

ATTORNEY'S DOCKET NO.  
103376.00176

## APPLICATION FOR UNITED STATES PATENT

### DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN APPLICATION

(37 C.F.R. 1.63)

As a below named inventor, I declare that my residence, mailing address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below), of the subject matter which is claimed and for which a patent is sought on the invention U.S. Serial No. 10/544,091, filed July 29, 2005 entitled "Multi-Axial Positioning System for a Surgically-Implanted Spinal Support", the priority specification of which

☐ is attached hereto; or

☒ was filed on 29 January 2004 as PCT International Application Number PCT/US2004/002497 and was amended on \_\_\_\_\_, (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s) or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent, inventor's or plant breeder's rights certificates (s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Numbers (s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed	Certified Copy Attached	
				Yes	No
10-2004-002497	WO	01/29/2004	Yes		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY:		I HEREBY APPOINT THE FOLLOWING ATTORNEYS TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT AND TRADEMARK OFFICE CONNECTED THEREWITH	
T. Ling Chwang, Reg. No. 33,590 Craig C. Conrad, Reg. No. 51,579		Robert C. Klinger, Reg. No. 34,365	Sara Wiley, Reg. No. 50,253
SEND CORRESPONDENCE TO:		Robert C. Klinger Jackson Walker L.L.P. 901 Main Street Suite 6000 Dallas, TX 75202	DIRECT TELEPHONE CALLS TO:  Robert C. Klinger 972-744-2902
NAME OF INVENTOR: (1)	NAME OF INVENTOR: (2)	NAME OF INVENTOR: (3)	NAME OF INVENTOR: (4)
Jan P. Murray			
RESIDENCE (City/State Only)	RESIDENCE (City/State Only)	RESIDENCE (City/State Only)	RESIDENCE (City/State Only)
Phoenix, MD 21131			
MAILING ADDRESS	MAILING ADDRESS	MAILING ADDRESS	MAILING ADDRESS
14351 Hampshire Knob Drive Phoenix, MD 21131			
COUNTRY OF CITIZENSHIP:	COUNTRY OF CITIZENSHIP:	COUNTRY OF CITIZENSHIP:	COUNTRY OF CITIZENSHIP:
USA			
SIGNATURE OF INVENTOR:	SIGNATURE OF INVENTOR:	SIGNATURE OF INVENTOR:	SIGNATURE OF INVENTOR:
DATE:	DATE:	DATE:	DATE:



BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ian Murray

Serial No.: 10/544,091

I.A. Filing Date: January 29, 2004

Docket No.: 103376-00176

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF EXECUTING  
INVENTOR**

Commissioner for Patents  
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A)  
I hereby certify that the above correspondence is being deposited with the  
U.S. Postal Service as First Class Mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on 7-17-2008.

*Trish Paramore*  
Trish Paramore

Dear Sir:

The undersigned, being the Legal representative before the Patent and Trademark Office of Encore Medical Corporation the assignee of above-denoted application, states that:

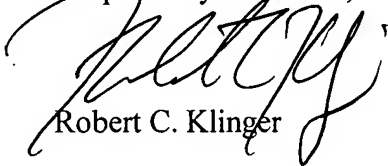
I forwarded a complete copy of the above referenced patent application to the non-signing inventor Mr. Ian Murray for review on May 9, 2006, via regular U.S. Postal Mail. I requested from Mr. Murray that he respond to me by May 31, 2006, or it will be presumed that Mr. Murray is unwilling to review these applications and sign the attached Declaration/Power of Attorney. A copy of the letter is enclosed. To date I have not received any communication from Mr. Murray.

The last known address of Ian Murray is:

3314 Paper Mill Road  
Suite 201  
Phoenix, MD 21131

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Robert C. Klinger

Jackson Walker L.L.P.  
901 Main Street, Suite 6000  
Dallas, Texas 75202  
(214) 953-5978 Direct Dial  
(214) 661-6873 Direct Fax



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ian Murray

Serial No.: 10/544,091

Filing Date: January 29, 2004

Docket No.: 103376-00176

**ADDITION TO DECLARATION AND POWER OF ATTORNEY EXECUTED  
BY PATENT OWNER ON BEHALF OF A NON-SIGNING INVENTOR WHO  
REFUSES TO SIGN**

Commissioner for Patents  
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A)  
I hereby certify that the above correspondence is being deposited  
with the U.S. Postal Service as First Class Mail in an envelope  
addressed to: Commissioner for Patents, Alexandria, VA 22313-  
1450 on 7-17-2008

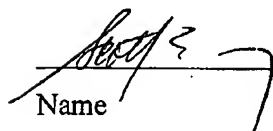
*Scott Way*  
Tish Parauore

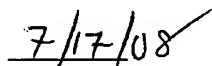
Dear Sir:

The undersigned, Scott Way, Corporate Counsel of Encore Medical Asset Corporation, the Owner of the invention described and claimed in the above-identified patent application. I have executed the DECLARATION for this patent application on our own behalf, and also, under 37 CFR 1.47(a), on behalf of the non-signing inventor, whose full name is Ian Murray ("Murray") and who refuses to execute the DECLARATION. Murray is, on information and belief, a citizen of USA, presently residing at 96196 Bay View Dr., Fernandina Beach, FL 32034.

Attached is a STATEMENT OF FACTS executed by me in support of our filing on behalf of Murray, the non-signing inventor.

We further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Name

  
Date

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Encore Medical Finance LLCApplication No./Patent No.: 10/544,091 Filed/Issue Date: January 29, 2004Entitled: MULTI-AXIAL POSITIONING SYSTEM FOR A SURGICALLY-IMPLANTED SPINAL SUPPORTEncore Medical Finance LLC

(Name of Assignee)

, a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Ian Murray To: Osteoimplant Technology, Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel 015687, Frame 0052, or for which a copy thereof is attached.

2. From: Osteoimplant Technology, Inc. To: Encore-OTI Acquisition, LLC

The document was recorded in the United States Patent and Trademark Office at  
Reel 015810, Frame 0837, or for which a copy thereof is attached.

3. From: Encore-OTI Acquisition, LLC To: Encore Medical, L.P.

The document was recorded in the United States Patent and Trademark Office at  
Reel 016712, Frame 0871, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Robert C. Klinger

Printed or Typed Name

Attorney

Title

Date

July 17, 2008

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CONTINUATION - CHAIN OF TITLE - SUPPLEMENTAL SHEET

- |  |  |
|--|--|
| 4. From: Encore Medical, L.P.<br>Reel 017325             | To: Encore Medical IHC, Inc.<br>Frame 0174         |
| 5. From: Encore Medical IHC, Inc<br>Reel 017507          | To: Encore Medical Asset Corporation<br>Frame 0344 |
| 6. From: Encore Medical Asset Corporation<br>Reel 018645 | To: Encore Medical Finance LLC<br>Frame 0158       |

## ASSIGNMENT OF

## PATENT

Ian Murray, an individual residing at 14351 Hampshire Knob Drive, Phoenix, Maryland 21131 (the "Assignor"), desires to: (i) assign the patents and patent applications set forth in Exhibit A attached hereto (hereinafter, collectively, the "Patent Applications"); and (ii) record such assignment in the Assignment Division of the United States Patent and Trademark Office.

Osteoimplant Technology, Inc. (the "Assignee") is desirous of obtaining all rights, title and interest in, to and under the Patent Application. The address for the Assignee is 11201 Pepper Road, Hunt Valley, Maryland 21031.

Therefore, for good and valuable consideration, the receipt and sufficiency of which the Assignor hereby acknowledges, Assignor further acknowledges that he has sold, assigned, transferred and set over, and hereby sells, assigns, transfers and sets over to the Assignee all right, title and interest in, to and under the Patent Application, including, without limitation, all reissues, extensions, renewals, divisions, continuations or continuations-in-part based in whole or in part upon the Patent Application, and the right to sue for present, past and future infringement, the same to be held and enjoyed by the Assignee for its own use and benefit fully and entirely as if the same would have been held and enjoyed by the Assignor had this Agreement not been made.

The Assignor hereby authorizes the Commissioner of Patents, and any other official of the United States and any other country empowered to issue patents, to record this Assignment, and to transfer the Patent Application to the Assignee as owner of all rights, title and interest therein, or otherwise as the Assignee may direct, in accordance with the terms of this Assignment.

The Assignor hereby represents and warrants that he has the full right to convey the entire right and interest herein assigned, that there are no rights or interests outstanding inconsistent with the rights and interests granted herein, and that the Assignor will not execute any instrument or grant or transfer any rights or interests inconsistent with the rights and interests granted herein.




IN WITNESS WHEREOF, the Assignor has executed this document on  
the date indicated below.

  
\_\_\_\_\_  
Ian Murray

STATE OF Maryland )  
 ) ss.:  
COUNTY OF Baltimore )

On the 7<sup>th</sup> day of February, 2005, before me personally came Ian Murray, to me known, who, being duly sworn, did depose and say that he is an individual residing at 14351 Hampshire Knob Drive, Phoenix, Maryland 21131 and that he signed his name thereto.

STEPHANIE L. COYNE  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires December 12, 2006

  
\_\_\_\_\_  
Notary Public

## EXHIBIT A

### PATENTS

1. Modular Neck for Femur Replacement Surgery, US 6,464,728 B1, issued 10/15/02
2. Modular Neck for Femur Replacement Surgery (CIP), Serial #10272208, 10/15/2002, Patent pending.
3. Multi-Axial Positioning System for Surgically Implanted Spinal Support (Spinal Polyaxial Joint MAPS) Serial # PCT/US2004/002497, filed 1/29/04 Patent Pending
4. Spinal Disc Replacement (Final Patent filed on 12/04 Serial # 60/598,388)

## ASSIGNMENT OF PATENTS

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Osteoimplant Technology, Inc., a New Jersey Corporation with its principal executive offices located at 11201 Pepper Road, Hunt Valley, Maryland 21031 (the "**Assignor**"), desires to assign the patents and patent applications set forth in Exhibit A attached hereto (hereinafter, collectively, the "**Patents**").

Encore-OTI Acquisition, LLC (the "**Assignee**") is desirous of obtaining all rights, title and interest in, to and under the Patents. The address for the Assignee is c/o Encore Medical Corporation, 9800 Metric Boulevard, Austin, Texas 78758.


Therefore, for good and valuable consideration, the receipt and sufficiency of which the Assignor hereby acknowledges, Assignor further acknowledges that it has sold, assigned, transferred and set over, and hereby sells, assigns, transfers and sets over to the Assignee all right, title and interest in, to and under the Patents, including, without limitation, all reissues, extensions, renewals, divisions, continuations or continuations-in-part based in whole or in part upon the Patents, and the right to sue for present, past and future infringement, the same to be held and enjoyed by the Assignee for its own use and benefit fully and entirely as if the same would have been held and enjoyed by the Assignor had this Agreement not been made.

The Assignor hereby authorizes the Commissioner of Patents, and any other official of the United States and any other country empowered to issue patents, to record this Assignment, and to transfer the Patents to the Assignee as owners of all rights, title and interest therein, or otherwise as the Assignee may direct, in accordance with the terms of this Assignment.

The Assignor agrees to communicate to the Assignee, its successors, legal representatives and assigns, any facts known to the Assignor respecting said Patents, and testify in any legal proceeding, sign all lawful papers, make all rightful oaths and generally do everything reasonably possible to aid the Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said Patents in all countries.

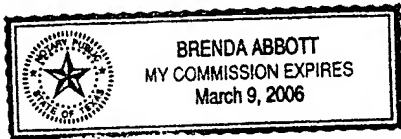
IN WITNESS WHEREOF, the Assignor has executed this document on the date indicated below.

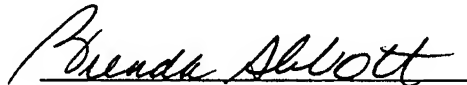
OSTEOIMPLANT TECHNOLOGY, INC.

By:   
Ian Murray, Chairman and CEO

STATE OF Texas )  
 ) ss.:  
COUNTY OF Tarrant )

On the 22nd day of February, 2005, before me personally came Ian Murray, to me known as the Chairman and CEO of Osteoimplant Technology, Inc., who, being duly sworn, did depose and say that the principal executive office of said corporation is located at 11201 Pepper Road, Hunt Valley, Maryland 21031 and that he signed his name thereto.



  
Notary Public

## **EXHIBIT A**

### **PATENTS**

1. Modular Neck for Femur Replacement Surgery, US 6,464,728 B1, issued 10/15/02.
2. Modular Neck for Femur Replacement Surgery (CIP), Serial # 10/272,208, filed 10/15/02, Patent pending.
3. Multi-Axial Positioning System for Surgically Implanted Spinal Support (Spinal Polyaxial Joint MAPS), Serial # PCT/US2004/002497, filed 1/29/04, Patent Pending.
4. Spinal Disc Replacement (Final Patent filed on 12/04, Serial # 60/598,388).
5. OTI Unicondular Interpositional Spacer, Serial No. PCT/US04/04596, filed 2/17/04.
6. LSF Total Hip System Instrumentation, US 5,041,118, issued 8/20/91.
7. Differential Porosity Prosthetic Hip System with Modular Neck, Serial # 10/244,149, filed 9/13/02, Patent pending.
8. Intrinsic Stability in a Total Hip Stem (with a Modular Neck), Serial # 10/405,065, filed 3/31/03, Patent pending.
9. Indexing Mechanism (Modular Neck design) in other Orthopedic Applications, Serial # PCT/US \_\_\_\_\_, filed \_\_\_\_\_.
10. LSF Total Hip System, US 5,004,476, issued 4/2/91.

## PATENTS ASSIGNMENT

WHEREAS, Encore-OTI Acquisitions, LLC, a Nevada limited liability company having a place of business at 9800 Metric Boulevard, Austin, Texas 78758 ("ENCORE-OTI"), is the owner of the patents listed and attached hereto and incorporated herein as Exhibit "A" (collectively referred to as "PATENTS").

WHEREAS, ENCORE-OTI desires to transfer its entire right, title and interest in and to said PATENTS, said application thereof, and the goodwill of the business symbolized thereby to its parent, Encore Medical, L.P., a Delaware limited partnership having its principal place of business at 9800 Metric Boulevard, Austin, Texas 78758 ("ENCORE LP");

NOW, THEREFORE, in consideration of the sum of One United States Dollar (U.S.\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ENCORE-OTI hereby sells, assigns, transfers and sets over unto ENCORE LP the entire right, title and interest of ENCORE-OTI in and to said PATENTS, together with said application thereof and the goodwill of the business symbolized thereby.

Signed in Austin, Texas this 14 day of June, 2005.

ENCORE-OTI ACQUISITIONS, LLC

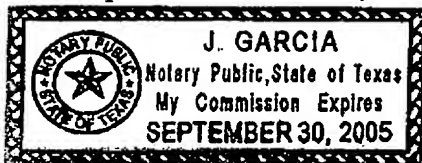
By: 

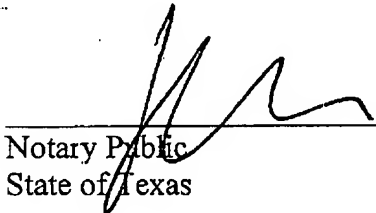
Harry L. Zimmerman,

Executive Vice President – General Counsel

State of Texas                    }  
County of Travis                }

On this 14 day of June, 2005, personally appeared Harry L. Zimmerman to me known and known to me to be the Executive Vice President – General Counsel of Encore-OTI Acquisitions, LLC, and acknowledged that he executed the foregoing Assignment on behalf of Encore-OTI Acquisitions, LLC and pursuant to authority duly received.



  
\_\_\_\_\_  
Notary Public  
State of Texas

# EXHIBIT "A"

COUNTRY	PATENT NUMBER	DATE FILED DATE ISSUED
U.S.	6,464,728	2/17/2000 10/15/2002
U.S.	5,041,118	4/28/1989 8/20/1991
U.S.	5,004,476	10/31/1989 4/2/1991
U.S.	5,545,164	5/12/1994 8/13/1996
U.S.	5,545,166	7/14/1994 8/13/1996
U.S.	5,496,318	8/18/1993 3/5/1996
U.S.	5,380,323	6/16/1993 1/10/1995
U.S.	4,653,481	6/18/1986 3/31/1987
U.S.	5,034,011	8/9/1990 7/23/1991
U.S.	5,030,220	3/29/1990 7/9/1991
U.S.	5,520,687	3/29/1994 5/28/1996
U.S.	5,683,394	9/29/1995 11/4/1997
U.S.	5,487,744	4/15/1994 1/30/1996
U.S.	5,601,554	11/3/1994 2/11/1997
U.S.	5,653,708	9/9/1994 8/5/1997
U.S.	5,928,232	4/4/1996 7/27/1999
U.S.	6,110,173	9/15/1998 8/29/2000
U.S.	5,776,134	6/6/1995 7/7/1998
U.S.	10/272,208 (application)	10/15/2002
U.S.	11/066,835 (application)	2/25/2005
U.S.	PCT/US0402497 (application)	1/29/2004
U.S.	PCT/US0404596 (application)	2/17/2004
U.S.	10/405,065 (application)	3/31/2003
U.S.	10/244,149 (application)	9/13/2002
U.S.	60/598,388 (application)	8/3/2004
U.K.	0746284	6/13/1994 3/20/2002
U.K.	2,178,323	7/22/1986 8/9/1989
U.K.	0585518	3/2/1993 10/8/1997
Switzerland	0746284	6/13/1994 3/20/2002
Switzerland	672,420	7/23/1986 11/30/1989

Switzerland	0585518	3/2/1993 10/8/1997
Netherlands	0585518	3/2/1993 10/8/1997
Mexico	200322	11/16/1995 1/8/2001
Japan	3616094	6/13/1994 11/12/2004
Japan	3133285	11/16/1995 9/22/2000
Japan	2604957	3/1/1993 1/29/1997
Italy	0746284	6/13/1994 3/20/2002
Italy	0585518	3/2/1993 10/8/1997
Germany	69430214.7	6/13/1994 3/20/2002
Germany	3624067	7/16/1986 8/17/1995
Germany	69314415.7	3/2/1993 10/8/1997
France	0746284	6/13/1994 3/20/2002
France	0585518	3/2/1993 10/8/1997
Canada	2165453	6/13/1994
Canada	2105318	9/1/1993
Canada	1304267	7/23/1986 6/30/1992
Australia	677681	6/13/1994 8/21/1997
Australia	692343	11/16/1995 9/17/1998



## PATENTS ASSIGNMENT

WHEREAS, Encore Medical, L.P., a Delaware limited partnership having a place of business at 9800 Metric Boulevard, Austin, Texas 78758 ("ENCORE LP"), is the owner of the patents listed and attached hereto and incorporated herein as Exhibit "A" (collectively referred to as "PATENTS").

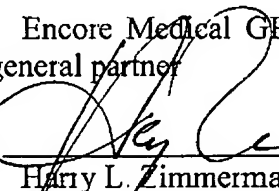
WHEREAS, ENCORE LP desires to transfer its entire right, title and interest in and to said PATENTS, said application thereof, and the goodwill of the business symbolized thereby to its parent, Encore Medical IHC, Inc., a Delaware corporation having its principal place of business at 9800 Metric Boulevard, Austin, Texas 78758 ("ENCORE IHC");

NOW, THEREFORE, in consideration of the sum of One United States Dollar (U.S.\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ENCORE LP hereby sells, assigns, transfers and sets over unto ENCORE IHC the entire right, title and interest of ENCORE LP in and to said PATENTS, together with said application thereof and the goodwill of the business symbolized thereby.

Signed in Austin, Texas this 14 day of June, 2005.

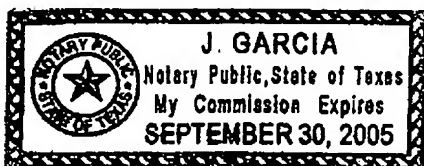
ENCORE MEDICAL, L.P., a Delaware limited partnership

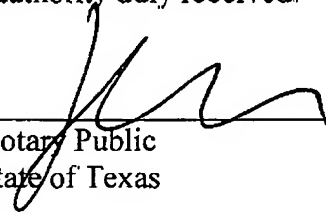
By: Encore Medical GP, Inc., a Nevada corporation,  
its general partner

By:   
Harry L. Zimmerman,  
Executive Vice President – General Counsel

State of Texas                    }  
County of Travis                }

On this 14 day of June, 2005, personally appeared Harry L. Zimmerman to me known and known to me to be the Executive Vice President – General Counsel of Encore Medical, L.P. and acknowledged that he executed the foregoing Assignment on behalf of Encore Medical, L.P. by Encore Medical GP, Inc., its general partner, and pursuant to authority duly received.



  
Notary Public  
State of Texas

# EXHIBIT "A"

COUNTRY	PATENT NUMBER	DATE FILED DATE ISSUED
U.S.	6,464,728	2/17/2000 10/15/2002
U.S.	5,041,118	4/28/1989 8/20/1991
U.S.	5,004,476	10/31/1989 4/2/1991
U.S.	5,545,164	5/12/1994 8/13/1996
U.S.	5,545,166	7/14/1994 8/13/1996
U.S.	5,496,318	8/18/1993 3/5/1996
U.S.	5,380,323	6/16/1993 1/10/1995
U.S.	4,653,481	6/18/1986 3/31/1987
U.S.	5,034,011	8/9/1990 7/23/1991
U.S.	5,030,220	3/29/1990 7/9/1991
U.S.	5,520,687	3/29/1994 5/28/1996
U.S.	5,683,394	9/29/1995 11/4/1997
U.S.	5,487,744	4/15/1994 1/30/1996
U.S.	5,601,554	11/3/1994 2/11/1997
U.S.	5,653,708	9/9/1994 8/5/1997
U.S.	5,928,232	4/4/1996 7/27/1999
U.S.	6,110,173	9/15/1998 8/29/2000
U.S.	5,776,134	6/6/1995 7/7/1998
U.S.	10/272,208 (application)	10/15/2002
U.S.	11/066,835 (application)	2/25/2005
U.S.	PCT/US0402497 (application)	1/29/2004
U.S.	PCT/US0404596 (application)	2/17/2004
U.S.	10/405,065 (application)	3/31/2003
U.S.	10/244,149 (application)	9/13/2002
U.S.	60/598,388 (application)	8/3/2004
U.K.	0746284	6/13/1994 3/20/2002
U.K.	2,178,323	7/22/1986 8/9/1989
U.K.	0585518	3/2/1993 10/8/1997
Switzerland	0746284	6/13/1994 3/20/2002
Switzerland	672,420	7/23/1986 11/30/1989

Switzerland	0585518	3/2/1993 10/8/1997
Netherlands	0585518	3/2/1993 10/8/1997
Mexico	200322	11/16/1995 1/8/2001
Japan	3616094	6/13/1994 11/12/2004
Japan	3133285	11/16/1995 9/22/2000
Japan	2604957	3/1/1993 1/29/1997
Italy	0746284	6/13/1994 3/20/2002
Italy	0585518	3/2/1993 10/8/1997
Germany	69430214.7	6/13/1994 3/20/2002
Germany	3624067	7/16/1986 8/17/1995
Germany	69314415.7	3/2/1993 10/8/1997
France	0746284	6/13/1994 3/20/2002
France	0585518	3/2/1993 10/8/1997
Canada	2165453	6/13/1994
Canada	2105318	9/1/1993
Canada	1304267	7/23/1986 6/30/1992
Australia	677681	6/13/1994 8/21/1997
Australia	692343	11/16/1995 9/17/1998

## PATENTS ASSIGNMENT

WHEREAS, Encore Medical IHC, Inc., a Delaware corporation having a place of business at 9800 Metric Boulevard, Austin, Texas 78758 ("ENCORE IHC"), is the owner of the patents listed and attached hereto and incorporated herein as Exhibit "A" (collectively referred to as "PATENTS").

WHEREAS, ENCORE IHC desires to transfer its entire right, title and interest in and to said PATENTS, said application thereof, and the goodwill of the business symbolized thereby to its subsidiary, Encore Medical Asset Corporation, a Nevada corporation having its principal place of business at 701 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074 ("EMAC");

NOW, THEREFORE, in consideration of the sum of One United States Dollar (U.S.\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ENCORE IHC hereby sells, assigns, transfers and sets over unto EMAC the entire right, title and interest of ENCORE IHC in and to said PATENTS, together with said application thereof and the goodwill of the business symbolized thereby.

Signed in Austin, Texas this 14 day of June, 2005.

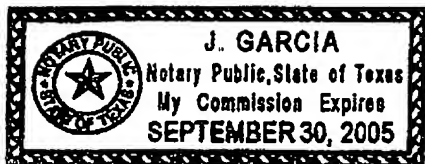
ENCORE MEDICAL IHC, INC.

By: \_\_\_\_\_

Harry L. Zimmerman,  
Executive Vice President – General Counsel

State of Texas                    }  
County of Travis                }

On this 14 day of June, 2005, personally appeared Harry L. Zimmerman to me known and known to me to be the Executive Vice President – General Counsel of Encore Medical IHC, Inc., and acknowledged that he executed the foregoing Assignment on behalf of Encore Medical IHC, Inc. and pursuant to authority duly received.



\_\_\_\_\_  
Notary Public  
State of Texas

# EXHIBIT "A"

COUNTRY	PATENT NUMBER	DATE FILED DATE ISSUED
U.S.	6,464,728	2/17/2000 10/15/2002
U.S.	5,041,118	4/28/1989 8/20/1991
U.S.	5,004,476	10/31/1989 4/2/1991
U.S.	5,545,164	5/12/1994 8/13/1996
U.S.	5,545,166	7/14/1994 8/13/1996
U.S.	5,496,318	8/18/1993 3/5/1996
U.S.	5,380,323	6/16/1993 1/10/1995
U.S.	4,653,481	6/18/1986 3/31/1987
U.S.	5,034,011	8/9/1990 7/23/1991
U.S.	5,030,220	3/29/1990 7/9/1991
U.S.	5,520,687	3/29/1994 5/28/1996
U.S.	5,683,394	9/29/1995 11/4/1997
U.S.	5,487,744	4/15/1994 1/30/1996
U.S.	5,601,554	11/3/1994 2/11/1997
U.S.	5,653,708	9/9/1994 8/5/1997
U.S.	5,928,232	4/4/1996 7/27/1999
U.S.	6,110,173	9/15/1998 8/29/2000
U.S.	5,776,134	6/6/1995 7/7/1998
U.S.	10/272,208 (application)	10/15/2002
U.S.	11/066,835 (application)	2/25/2005
U.S.	PCT/US0402497 (application)	1/29/2004
U.S.	PCT/US0404596 (application)	2/17/2004
U.S.	10/405,065 (application)	3/31/2003
U.S.	10/244,149 (application)	9/13/2002
U.S.	60/598,388 (application)	8/3/2004
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Switzerland	0585518	3/2/1993 10/8/1997
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Japan	3133285	11/16/1995 9/22/2000
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Canada	1304267	7/23/1986 6/30/1992
Australia	677681	6/13/1994 8/21/1997
Australia	692343	11/16/1995 9/17/1998